

IN THE DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
MAGISTRATE CRIMINAL MINUTES

DISTRICT COURT OF GUAM

JUN 21 2005

MARY L.M. MORAN  
CLERK OF COURT

CASE NO. MG-05-00007

DATE: 06/21/2005

TIME: 9:06 a.m.

HON. JOAQUIN V.E. MANIBUSAN, JR., Magistrate Judge

Court Reporter: Wanda Miles

Hearing Electronically Recorded: 9:06:05 - 10:36:03

10:40:00 - 10:40:20; 10:55:54 - 12:00:23; 1:27:47 - 3:17:25

3:31:34 - 4:25:00; 4:35:09 - 4:36:14; 4:40:19 - 4:40:43

Law Clerk: Judith Hattori

Courtroom Deputy: Virginia T. Kilgore

CSO: B. Pereda

34  
35

\*\*\*\*\* A P P E A R A N C E S \*\*\*\*\*

DEFT: HAROLD J. CRUZ

(X) PRESENT ( ) CUSTODY (X) BOND ( ) P.R.

ATTY: KIM SAVO

(X) PRESENT ( ) RETAINED (X) FPD ( ) CJA APPOINTED

DEFT: ERNEST Q. MUNA

(X) PRESENT ( ) CUSTODY (X) BOND ( ) P.R.

ATTY: MARK SMITH

(X) PRESENT ( ) RETAINED ( ) FPD (X) CJA APPOINTED

U.S. ATTORNEY: JOSEPH TOCK

AGENT: JUSTIN OLIVER, CO-COUNSEL

U.S. PROBATION:

U.S. MARSHAL:

INTERPRETER: \_\_\_\_\_ ( ) SWORN LANGUAGE: \_\_\_\_\_  
( ) PREVIOUSLY SWORN

DAY NO. 1 OF TRIAL

( ) JURY TRIAL

(X) COURT TRIAL

( ) JURY EMPANELED AND SWORN

(X) OPENING STATEMENT BY THE X Plaintiff X Defense (Kim Savo)

(X) WITNESSES SWORN AND EXAMINED (X) EXHIBITS MARKED AND ADMITTED

SEE ATTACHED EXHIBIT AND WITNESS LIST, AO FORM 187 (and 187A, when applicable)

( ) CLOSING ARGUMENT BY THE \_\_\_\_\_ Plaintiff \_\_\_\_\_ Defendant

(X) TRIAL CONTINUED TO: June 22, 2005 at 9:30 A.M. \*

( ) JURY CHARGED BY COURT

( ) JURY DELIBERATE AT \_\_\_\_\_ ( ) JURY RETURNS VERDICT AT: \_\_\_\_\_

( ) JURY VERDICT: \_\_\_\_\_

( ) JURY POLLED ( ) POLLING WAIVED ( ) JURY DISCHARGED

( ) COURT FINDINGS: \_\_\_\_\_

( ) OTHER MATTER(s): \_\_\_\_\_

# UNITED STATES DISTRICT COURT

DISTRICT OF

GUAM

UNITED STATES OF AMERICA

## EXHIBIT AND WITNESS LIST

V.

HAROLD J. CRUZ and ERNEST Q. MUNA

Case Number: MG-05-00007

PRESIDING JUDGE <b>JOAQUIN V.E. MANIBUSAN, JR.</b>						PLAINTIFF'S ATTORNEY <b>JOSEPH TOCK / JUSTIN OLIVER</b>	DEFENDANT'S ATTORNEY <b>KIM SAVO / MARK SMITH</b>
HEARING DATE (S) JUNE 21, 2005						COURT REPORTER WANDA MILES	COURTROOM DEPUTY VIRGINIA T. KILGORE
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						<b>Governments Exhibits 1 through 32 admitted with the exception of Exhibits 28, 29 and 30</b>	
						<b>Mr. Tock calls Officer Richard M. Ragadio as a witness (9:22:49)</b>	
	1		6/21/05	6/21/05	6/21/05	Photograph Rt 3 - Gov Property sign close-up	
	2		6/21/05	6/21/05	6/21/05	Photograph Rt 3 - w/Gov Property sign, Rt. 3	
	3		6/21/05	6/21/05	6/21/05	Photograph Rt 3 - w/Gov Property Sign Rt. 3	
	4		6/21/05	6/21/05	6/21/05	Photograph Rt 3-3a intersection- w/Gov Property sign	
	5		6/21/05	6/21/05	6/21/05	Photograph Rt 3a-w/Gov Property sign and fence	
	6		6/21/05	6/21/05	6/21/05	Photograph Rt 3a-w/Gov Property sign and fence	
	7		6/21/05	6/21/05	6/21/05	Photograph Rt 3a-w/Gov Property sign and road bend	
	28			6/21/05		Map of Northwest Field showing Route 3 and 3A	
	7		6/21/05	6/21/05	6/21/05	Photograph Rt 3a-w/Gov Property sign and road bend	
	8		6/21/05	6/21/05	6/21/05	Photograph Rt 3a - w/Det 5 sign	
	9		6/21/05	6/21/05	6/21/05	Photograph Rt 3a - w/Gov Property sign on left side of road	
	10		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/Gov Property sign	
	11		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/sign toward national wildlife refuge	
	29			6/21/05		Map of Northwest Field showing Points	
	12		6/21/05	6/21/05	6/21/05	Photograph Rt 3a-w/Property sign on road past wildlife refuge	
	13		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/Gov Property sign past wildlife refuge	
	14		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/outcropping on left and sign holder by truck	
	29			6/21/05		Map of Northwest Field showing Points	
	14		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/outcropping on left and sign holder by truck	
	13		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/Gov Property sign past wildlife refuge	
	18		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/Gov Property sign past wildlife refuge Richard Ragadio standing in jungle	
	16		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/Gov Property sign past wildlife refuge Richard Ragadio standing in jungle	
	17		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/Gov Property sign past wildlife refuge Log Barrier	
	21		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/Gov Property sign past wildlife refuge Jimmy Camacho in jungle pointing under log barrier	
	29			6/21/05		Map of Northwest Field showing Points	
	28			6/21/05		Map of Northwest Field showing Route 3 and 3A	
	29			6/21/05		Map of Northwest Field showing Points	
	14		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/outcropping on left and sign holder by truck	
						Witness identifies Defendant Ernest Q. Muna (10:02:48)	
	23		6/21/05	6/21/05	6/21/05	Muna's Black flashlight	
	22		6/21/05	6/21/05	6/21/05	Cruz's Blue flashlight (photograph)	
	22a		6/21/00	6/21/05	6/21/05	Cruz's Blue flashlight (Physical evidence)	
						<b>CX by Ms. Savo (10:13:29)</b>	

PRESIDING JUDGE <b>JOAQUIN V.E. MANIBUSAN, JR.</b>						PLAINTIFF'S ATTORNEY <b>JOSEPH TOCK / JUSTIN OLIVER</b>		DEFENDANT'S ATTORNEY <b>KIM SAVO / MARK SMITH</b>	
HEARING DATE (S) <b>JUNE 21, 2005</b>						COURT REPORTER <b>WANDA MILES</b>		COURTROOM DEPUTY <b>VIRGINIA T. KILGORE</b>	
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES			
	29			6/21/05		Map of Northwest Field showing Points			
	14			6/21/05	6/21/05	Photograph Rt 3a- w/outcropping on left and sign holder by truck			
						<b>CX by Mr. Smith (10:21:06)</b>			
	1		6/21/05	6/21/05	6/21/05	Photograph Rt 3 - Gov Property sign close-up			
	11		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/sign toward national wildlife refuge			
	9		6/21/05	6/21/05	6/21/05	Photograph Rt 3a - w/Gov Property sign on left side of road			
	11		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/sign toward national wildlife refuge			
	9		6/21/05	6/21/05	6/21/05	Photograph Rt 3a - w/Gov Property sign on left side of road			
	1		6/21/05	6/21/05	6/21/05	Photograph Rt 3 - Gov Property sign close-up			
	9		6/21/05	6/21/05	6/21/05	Photograph Rt 3a - w/Gov Property sign on left side of road			
						<b>Re-Dx by Mr. Tock (10:56:30)</b>			
	9		6/21/05	6/21/05	6/21/05	Photograph Rt 3a - w/Gov Property sign on left side of road			
	14		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/outcropping on left and sign holder by truck			
						<b>Re-Cx by Ms. Savo (11:07:32)</b>			
	9		6/21/05	6/21/05	6/21/05	Photograph Rt 3a - w/Gov Property sign on left side of road			
	29			6/21/05		Map of Northwest Field showing Points			
	14		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/outcropping on left and sign holder by truck			
						<b>Re-Cx by Mr. Smith (11:10:39)</b>			
						Witness excused and subject to recall (11:12:12)			
						<b>Mr. Tock calls Officer Mark J.D. Aguon as a witness (11:12:27)</b>			
	29			6/21/05		Map of Northwest Field showing Points			
	14		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/outcropping on left and sign holder by truck			
	30			6/21/05		Map of Northwest Field showing Apprehension Locations			
						<b>CX by Ms. Savo (11:35:53)</b>			
	8		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/Det 5 sign			
	11		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/sign toward national wildlife refuge			
	12		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/Gov Property sign on road past wildlife refuge			
						<b>Cx by Mr. Smith (11:53:29)</b>			
	11		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/sign toward national wildlife refuge			
						<b>BREAK (12:00:23)</b>			
						<b>Trial resumes (1:27:47)</b>			
						<b>Re-Dx by Mr. Tock (Officer Mark J.D. Aguon)</b>			
	12		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/Gov Property sign on road past wildlife refuge			
	10		6/21/05		6/21/05	Photograph Rt 3a- w/Gov Property sign			
	16		6/21/05		6/21/05	Photograph Rt 3a- w/Gov Property sign past wildlife refuge Richard Ragadio standing in jungle			
	15		6/21/05		6/21/05	Photograph Rt 3a- w/Gov Property sign past wildlife refuge Richard Ragadio standing at edge			
	14		6/21/05		6/21/05	Photograph Rt 3a- w/outcropping on left and sign holder by truck			
	18		6/21/05		6/21/05	Photograph Rt 3a- Gov Property sign past wildlife refuge Richard Ragadio standing in jungle			
	11		6/21/05		6/21/05	Photograph Rt 3a- w/sign			
						<b>Re-Cx by Ms. Savo (1:34:58)</b>			
						<b>Re-Cx by Mr. Smith (1:36:29)</b>			
						Witness excused and subject to recall			
						<b>Mr. Tock calls Casey Ogden as a witness (1:38:28)</b>			
	28			6/21/05		Map of Northwest Field showing Route 3 and 3A			
	29			6/21/05		Map of Northwest Field showing Points			
	30			6/21/05		Map of Northwest Field showing Apprehension Locations			
						<b>Mr. Tock moves to admit Exhibits 28, 29 and 30. No objections. GRANTED.</b>			
						<b>Cx by Ms. Savo (1:47:00)</b>			
	30		6/21/05	6/21/05	6/21/05	Map of Northwest Field showing Apprehension Locations			
	29		6/21/05	6/21/05	6/21/05	Map of Northwest Field showing Points			

PRESIDING JUDGE <b>JOAQUIN V.E. MANIBUSAN, JR.</b>						PLAINTIFF'S ATTORNEY <b>JOSEPH TOCK / JUSTIN OLIVER</b>	DEFENDANT'S ATTORNEY <b>KIM SAVO / MARK SMITH</b>
HEARING DATE (S) JUNE 21, 2005						COURT REPORTER WANDA MILES	COURTROOM DEPUTY VIRGINIA T. KILGORE
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						Witness excused (1:55:59)	
						<b>Mr. Tock called Officer Roger Watson as a witness (1:56:00)</b>	
	29		6/21/05	6/21/05	6/21/05	Map of Northwest Field showing Points	
						Objection by Ms. Savo - hearsay	
						Rebuttal Argument by Mr. Tock	
						Objection Overruled	
	24		6/21/05	6/21/05	6/21/05	Muna's 12 Gauge Shotgun - Handed to the witness (2:04:48)	
	27		6/21/05	6/21/05	6/21/05	Shotgun shells - Handed to the witness	
						End of DX (2:10:22)	
						<b>CX by Ms. Savo (2:10:28)</b>	
						<b>CX by Mr. Smith (2:13:13)</b>	
						End of CX 2:22:56	
						<b>Re-Dx by Mr. Tock (2:22:58)</b>	
						<b>Re-Cx by Mr. Smith (2:27:39)</b>	
						Requested the Court to show witness rules and regulations re wildlife	
						Objection by Mr. Tock	
						Objection Overruled	
						<b>Side Bar (2:32:36)</b>	
						End Side Bar (2:35:50)	
						End of Re-Cx (2:35:57)	
						Witness Excused	
						<b>Mr. Oliver called Officer Jimmy B. Camacho as a witness (2:36:34)</b>	
	32		6/21/05	6/21/05	6/21/05	Picture of Deer Carcass (1)	
	31		6/21/05	6/21/05	6/21/05	Picture of Deer Carcass (2)	
	13		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/Gov Property sign past wildlife refuge	
	22a		6/21/05	6/21/05	6/21/05	Cruz's Blue flashlight (physical evidence)	
	22		6/21/05	6/21/05	6/21/05	Photograph of Blue flashlight	
						End of DX (2:49:48)	
						<b>Cx by Ms. Savo (2:49:51)</b>	
	29		6/21/05	6/21/05	6/21/05	Map of Northwest Field showing Points	
						Witness handed copy of the report written by him (3:01:42)	
						End of Cx (3:06:00)	
						<b>Cx by Mr. Smith (3:06:12)</b>	
	29		6/21/05	6/21/05	6/21/05	Map of Northwest Field showing Points	
	28		6/21/05	6/21/05	6/21/05	Map of Northwest Field showing Route 3 and 3A	
						End of Cx 3:12:28	
						Re-Dx by Mr. Oliver (3:12:38)	
	20		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/Gov Property sign past wildlife refuge Jimmy Camacho standing in jungle pointing	
	21		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/Gov Property sign past wildlife refuge Jimmy Camacho in jungle pointing under log barrier	
						End of Re-Dx (3:15:11)	
						<b>Re-Cx by Ms. Savo (3:15:13)</b>	
						End of Re-Cx (3:16:00)	
						<b>Break 3:17:25</b>	
						Trial resumes (3:31:34)	
						<b>Government rested ( 3:31:49)</b>	
						Ms. Savo moves for a Rule 29 motion - Motion for a judgment of acquittal based on insufficient evidence	
						Defendant Muna joins in the motion (3:32:33)	
						<b>Court DENIED the motion</b>	
						Mr. Smith - no opening statement	
						<b>Ms. Savo calls Harold Cruz as a witness (3:32:49)</b>	

